

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

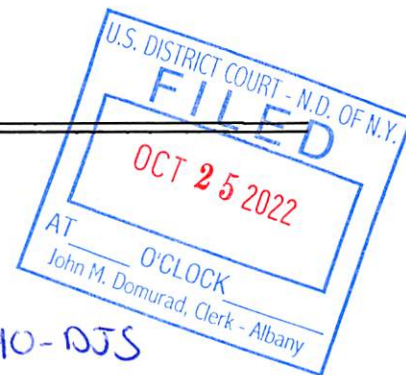
UNITED STATES OF AMERICA

v.

BARRIE, Abubakarr

Defendant

Case No. 8:22-MJ-640-DJS



## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of October 23, 2022, in the county of Clinton in the Northern District of New York, the defendant violated:

*Code Section*

8 U.S.C. § 1326(a)

*Offense Description*

The defendant, an alien, a native and citizen of Sierra Leone, who has been denied admission, excluded, deported, or removed, or has deported the United States while an order of exclusion, deportation, or removal is outstanding, entered and was thereafter found in the United States without the Attorney General of the United States, or his successor, the Secretary of Homeland Security, having expressly consented to his reapplication for admission into the United States.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

A handwritten signature in black ink, appearing to read "Paul G. Allen".

*Complainant's signature*

Paul G. Allen, Supervisory Border Patrol Agent

*Printed name and title*

Sworn to before me and signed in my presence.

Date: October 25, 2022

A handwritten signature in black ink, appearing to read "Daniel J. Stewart".

*Judge's signature*

City and State: Albany, NY

Hon. Daniel J. Stewart, U.S. Magistrate Judge

*Printed name and title*

*United States of America v. BARRIE, Abubakarr*

On October 23, 2022, at approximately 7:30 p.m., Swanton Sector communications (KAD 640) notified the agents at the Champlain, New York station that they observed, via remote imagery, a subject walking south near the curve by State Route 276 in the town of Champlain, New York. At this location Route 276 closely parallels the east/west United States/Canada border, New York, and then turns south. Illegal aliens commonly use this rural area to enter the United States. KAD 640 further advised and guided responding agents to the location where this subject was hiding.

The subject (Later identified as BARRIE, Abubakarr) was hiding in a watery ditch north of Route 276. The agent approached BARRIE, identified himself as a U.S. Border Patrol Agent and questioned him as to his citizenship. BARRIE stated he was a citizen of Sierra Leone and did not have any legal documents to be in the United States legally. BARRIE was placed under arrest and transported back to the Champlain Border Patrol Station for further questioning and investigation.

At the station, BARRIE's biographical information and fingerprints were entered into Department of Homeland Security databases. Record checks revealed that BARRIE did not possess any immigration documentation that would allow him to be within the United States legally. Record checks further revealed BARRIE had been previously removed from the United States.

BARRIE was admitted as a B2 visitor on February 21, 1998, at the New York Port of Entry using a fraudulently obtained visa under the name Amadou Barry.

On March 23, 2005, BARRIE filed Form I-687, Application for Status as a Temporary Resident Under Section 245A, which was denied on October 10, 2006.

On March 7, 2007, BARRIE was named as beneficiary of an I-130, Petition for Alien Relative, and a concurrently filed I-485, Application to Register Permanent Residence or Adjust Status. On August 1, 2007, the I-130 petition was approved and the I-485 was denied for a failure to adequately respond to a request for evidence.

On December 1, 2008, BARRIE was encountered by Philadelphia, PA ICE HSI and issued a Notice to Appear on December 2, 2008.

On April 23, 2009, the Immigration Judge granted BARRIE's I-601 waiver application and granted BARRIE an adjustment of status.

On October 29, 2014, the Immigration Judge (York, PA) ordered BARRIE Removed to Sierra Leone.

*Canada Immigration History: (As per Canada Border Service Agency (CBSA))*

On January 7, 2019, BARRIE entered Canada and was subsequently processed for an asylum claim (about three years ago). BARRIE subsequently was Ordered Removed from Canada.

Record checks also revealed BARRIE has previous criminal history within the United States.

On January 29, 2004, July 22, 2004, and March 24, 2005, BARRIE was arrested in Philadelphia for Trademark Counterfeiting and related offenses. On February 12, 2007, he was convicted of Trademark Counterfeiting and Criminal Conspiracy Engaging - Trademark Counterfeiting and sentenced to confinement from three to 11 months and two years of probation for each charge.

***United States of America v. BARRIE, Abubakarr***

On December 30, 2006, BARRIE was arrested in Philadelphia for Driving Under the Influence. On April 12, 2007, BARRIE was sentenced to confinement from three to six days and six months of probation for each charge, sentences to run concurrently. BARRIE was also sentenced to participate in a drug or alcohol treatment program.

On July 14, 2012, BARRIE was arrested in Plymouth Township, PA for Forgery and related charges. On March 4, 2014, BARRIE was convicted and sentenced to Probation for three years.

A search of relevant immigration records confirmed that BARRIE has not sought nor obtained the express permission of the Attorney General, or his successor, the Secretary of Homeland Security, to return to the United States following his previous removal.